

REGULAR MEETING OF THE  
OKLAHOMA WORKERS' COMPENSATION  
COMMISSION

**APPEALS**

Friday, September 20, 2019  
9:00 a.m.  
Commission Chambers  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
[www.wcc.ok.gov](http://www.wcc.ok.gov)

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*AGENDA*

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**CALL TO ORDER .....Presiding Appellate Officer, Chairman Liotta**  
**ROLL CALL .....Presiding Appellate Officer, Chairman Liotta**  
**BUSINESS .....Presiding Appellate Officer, Chairman Liotta**

**\*STATEMENT OF COMPLIANCE BY CHAIRMAN\***

**A. MINUTES:**

- The drafted Minutes of the Special Appeal Meeting of August 23, 2019, will be considered for approval.

**THE FOLLOWING MATTERS ARE PRESENTED FOR CONSIDERATION AND ACTION, IF ANY, DEEMED APPROPRIATE BY THE COMMISSION**

**B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges**

The hearings before the Commission en banc will be conducted pursuant to the authority and jurisdiction of the Administrative Workers' Compensation Act, Title 85A O.S. §1 et seq., and the Workers' Compensation Commission's Permanent Rules, OAC 810. The Commissioners may recess for lunch.

The procedure for the hearings before the Commission en banc is as follows:

- Each side will be allowed ten (10) minutes for oral arguments.
- The appellant will present first. Appellant may divide his or her ten minutes for argument, allowing a portion of that time for rebuttal.
- Both parties are subject to questioning by Commissioners.

**1. Glenda Childers v. Amity Care LLC (Own Risk #14907) & Grace Living Center, File #CM2015-07747X**

Claimant filed an appeal from the order issued by Administrative Law Judge Lawyer. Robert A. Flynn is the attorney of record for the Claimant and Julie Thompson Weller is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action; affirming the order and decision of the Administrative Law Judge and issuing an order to that effect, or taking preliminary action in the matter to reverse, modify, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Appellate Counsel or other staff member to draft a proposed order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

**2. Djohn Brown v. Spring House Water Co., Inc. & CompSource Mutual Ins., Co. (FKA CompSource Oklahoma), File #CM2017-01710J**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Brad W. Wicker is the attorney of record for the Claimant and D. Wade Christensen is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, affirming the order and decision of the Administrative Law Judge and issuing an order to that effect, or taking preliminary action in the matter to reverse, modify, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Appellate Counsel or other staff member to draft a proposed order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

**3. Billy Burson v. City of Tulsa (Own Risk #10435), File #CM2018-05632J**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Eric W. Quandt and Darrel R. Paul are the attorneys of record for the Claimant and Cyrus Nathaniel Lawyer is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, affirming the order and decision of the Administrative Law Judge and issuing an order to that effect, or taking preliminary action in the matter to reverse, modify, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Appellate Counsel or

other staff member to draft a proposed order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

**4. Sharon L. Aley v. TJX Co., Inc. & American Zurich Insurance Co., File #CM2018-01073X**

Claimant filed an appeal from the order issued by Administrative Law Judge McMillin. Arthur H. Adams and Bret A. Untershuetz are the attorneys of record for the Claimant and Clark P. Bushyhead is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, affirming the order and decision of the Administrative Law Judge and issuing an order to that effect, or taking preliminary action in the matter to reverse, modify, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Appellate Counsel or other staff member to draft a proposed order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

**5. William D. French v. City of Tulsa (Own Risk #10435), File #CM2016-08454**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. J.L. Franks is the attorney of record for the Claimant and Cyrus Nathaniel Lawyer is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, affirming the order and decision of the Administrative Law Judge and issuing an order to that effect, or taking preliminary action in the matter to reverse, modify, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Appellate Counsel or other staff member to draft a proposed order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

**6. Gerald R. Asbill v. Allied Trucking Inc., (No Insurance), File #CM2018-07001Q**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Herbert E. Elias, Jr., is the attorney of record for the Claimant and James J. Robertson, Jr., is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, affirming the order and decision of the Administrative Law Judge and issuing an order to that effect, or taking preliminary action in the matter

to reverse, modify, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Appellate Counsel or other staff member to draft a proposed order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

**7. Natasha Delrae Herndon v. Aldi Inc. & Travelers Indemnity Co. of America, File #CM2016-07668X**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. D. Eliot Yaffe is the attorney of record for the Claimant. Loretta Jones is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, affirming the order and decision of the Administrative Law Judge and issuing an order to that effect, or taking preliminary action in the matter to reverse, modify, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Appellate Counsel or other staff member to draft a proposed order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

**8. Anthony Charles Kenney v. Tulsa Green County Staffing LLC & CompSource Mutual Ins., Co. (FKA CompSource Oklahoma), File #CM2015-07870J**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Anthony Charles Kenney is representing himself. Blake I. Whitten is the attorney of record for the Respondent.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, affirming the order and decision of the Administrative Law Judge and issuing an order to that effect, or taking preliminary action in the matter to reverse, modify, remand or if otherwise do not fully affirm the order of the Administrative Law Judge and instructing the Appellate Counsel or other staff member to draft a proposed order to be considered in further deliberations at a future Commission meeting, or continuing the matter.

**C. Commission Consideration of Adoption of Final Order in the Following Cases:**

**1. Julio Cesar (Perez) Gomez v. Encinos 3D Custom Products LLC and/or D. Trent Holman & Assoc. Inc., and CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2017-02108L**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Bryce A. Hill represented the Claimant. Doug Thomas represented Respondent Encinos 3D. Leah P. Keele represented

Respondent D. Trent Holman & Associates. Dana L. Gish represented Respondent CompSource Mutual.

This case came on for Oral Argument on May 17, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**2. Jayme Byassee v. 7 Eleven Stores Inc. & Great American Alliance Insurance Co., File #CM2017-07246Q**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Michael R. Green is the attorney of record for the Claimant and Heather A. Lehman Fagan is the attorney of record for the Respondent.

This case came on for Oral Argument on July 19, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

**3. Terry W. Garrett v. MITF, File #CM2015-04717JMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Micah Felton represented the Claimant and Heather Lehman Fagan represented the Respondent.

This case came on for Oral Argument on July 19, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

**4. Bennie E. Herring v. City of Tulsa (Own Risk #10435), File #CM2016-05263A**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. JL Franks is the attorney of record for the Claimant and did not appear at the Oral Argument and Travis R. Colt represented the Respondent.

This case came on for Oral Argument on August 23, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

**5. In The Matter of the Death of Kevin Michael Minyen v. Safety Plus USA LLC & CompSource Mutual Insurance (FKA CompSource Oklahoma), File #CM2016-05634A**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. D. Eliot Yaffe represented the Claimant and Michael Fagan represented the Respondent.

This case came on for Oral Argument on August 23, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

**6. Vickie Elaine Franks v. Little Dixie Community Action Agency & CompSource Mutual Insurance (FKA CompSource Oklahoma) File #CM2016-05896A**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Edward Grimes represented the Claimant and John S. Oldfield Jr., represented the Respondent.

This case came on for Oral Argument on August 23, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Possible Action:**

Possible action may include, but is not limited to: taking no action, adopting an order as proposed or as modified at the hearing, or continuing the matter.

**D. Announcements**

Commission's next special business meeting is Thursday, October 9, 2019. Commission's next regular meeting regarding Appeals is scheduled for Friday, October 19, 2019.

**ADJOURNMENT.....Presiding Appellate Officer, Chairman Liotta**